

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**02-20691CR-HUCK**  
CASE NO.

21 U.S.C. § 846

21 U.S.C. § 853

MAGISTRATE JUDGE  
TURNOFF

UNITED STATES OF AMERICA

v.

FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS,

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT 1

From on or about June 25, 2002, through on or about July 29, 2002, in Miami-Dade County,  
in the Southern District of Florida, and elsewhere, the defendants,

FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS,

did knowingly and intentionally combine, conspire, confederate and agree with each other and others  
unknown to the Grand Jury, to possess with intent to distribute a Schedule II controlled substance,  
that is, five (5) kilograms or more of a mixture and substance containing a detectable amount of  
cocaine, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21,  
United States Code, Sections 846 and 841(b)(1)(A).

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI  
AUG - 9 PM '02  
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16/qmc

**COUNT 2**

On or about July 29, 2002, in Miami-Dade County, in the Southern District of Florida, the defendants,

**FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS,**

did knowingly and intentionally attempt to possess with intent to distribute a Schedule II controlled substance, that is, five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

**FORFEITURE ALLEGATION PURSUANT TO TITLE 21 USC § 853**

The allegations contained in Counts 1 and 2 of this Indictment are re-alleged and incorporated as though fully set forth herein. As a result of the offenses charged in this Indictment, the defendants shall forfeit to the United States, any property constituting or derived from, any proceeds which the defendants obtained, directly or indirectly, as the result of such violations; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said criminal violations, including, but not limited to approximately \$29,800.00 in United States currency, all in accordance with Title 21, United States Code, Sections 853(a)(1) and (a)(2):

If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third person;
- (C) has been placed beyond the jurisdiction of the Court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL

L. A. Chandler, DPA  
FOREPERSON

Thomas J. Muhikell  
MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

STEPHEN S. STALLINGS  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. **02-20691CR-HUCK**v.  
**FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS**

## CERTIFICATE OF TRIAL ATTORNEY\*

MAGISTRATE JUDGE  
**TURNOFF**

## Court Division: (Select One)

X Miami      Key West  
     FTL      WPB      FTP

## Superseding Case Information:

New Defendant(s) Yes      No       
Number of New Defendants       
Total number of counts     

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) YES  
List language and/or dialect SPANISH

4. This case will take 3 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	<u>    </u>
II	6 to 10 days	<u>    </u>	Minor	<u>    </u>
III	11 to 20 days	<u>    </u>	Misdem.	<u>    </u>
IV	21 to 60 days	<u>    </u>	Felony	<u>X</u>
V	61 days and over	<u>    </u>		

6. Has this case been previously filed in this District Court? (Yes or No) NO

If yes:

Judge:     Case No.     

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) YES

If yes:

Magistrate Case No. 02-2982-STBRelated Miscellaneous numbers:     Defendant(s) in federal custody as of 7/29/02Defendant(s) in state custody as of     Rule 20 from the      District of     Is this a potential death penalty case? (Yes or No) NO

7. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No If yes, was it pending in the Central Region? Yes X No

8. Did this case originate in the Narcotics Section, Miami? Yes X No

      
STEPHEN STALLINGS  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 958859

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**02-20691 CR-HUCK**

Defendant's Name: JANIA MARIA HERNANDEZ

CASE NO. MAGISTRATE JUDICIAL  
TURNOFF

Count 1: Conspiracy to Possess Five Kilograms or More of Cocaine  
Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

Count 2: Attempt to Possess Five Kilograms or More of Cocaine  
Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**02-20691 CR-HUCK**

Defendant's Name: ANA CAROLINA ROJAS

CASE NO. \_\_\_\_\_

MAGISTRATE JUDGE  
TURNOFF

Count 1: Conspiracy to Possess Five Kilograms or More of Cocaine  
Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

Count 2: Attempt to Possess Five Kilograms or More of Cocaine  
Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**02-20691 CR-HUCK**

Defendant's Name: FELIX BAUTISTA

CASE NO. \_\_\_\_\_

**MAGISTRATE JUDGE  
TURNOFF**

Count 1: Conspiracy to Possess Five Kilograms or More of Cocaine

Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

Count 2: Attempt to Possess Five Kilograms or More of Cocaine

Title 21, United States Code, Section 846

\*Max Penalty: Life imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

No. **02-20691 CR-HUCK**

**UNITED STATES DISTRICT COURT**

Southern District of Florida

Division

THE UNITED STATES OF AMERICA

vs.

FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS

**INDICTMENT**

In violation of:

18 U.S.C. § 846  
18 U.S.C. § 853

A true bill.

*L. A. Chandler, DPA*

02-02(MIA)

Foreman

Filed in open court this *9th* day,

of *Aug* A.D. 2002

Clerk

Bail, \$

Federal Grand Jury  
Indictment Number

*0202-MIA-*

CLERK OF DISTRICT COURT  
TURNOR



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FILED BY  
CLARENCE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIA.  
AUG 14 2002  
AM 10:17  
D.C.

UNITED STATES OF AMERICA,

CASE NO.: 02-M-2982-STB

Plaintiff,

v.

ANA CAROLINA ROJAS,

Defendant.

\_\_\_\_\_ /

**NOTICE OF PERMANENT APPEARANCE**  
**AS COUNSEL OF RECORD FOR TRIAL PURPOSES ONLY**

COMES NOW OSCAR ARROYAVE, who files this appearance as permanent counsel of record for the above named defendant. Counsel agrees to represent the defendant for all proceedings related to trial arising out of the transaction with which the defendant is presently charged in the United States District Court in and for the Southern District of Florida.

This appearance is for trial purposes only. There is no agreement or understanding between undersigned counsel and the defendant herein for representation regarding any matter at the

*[Handwritten signature]*

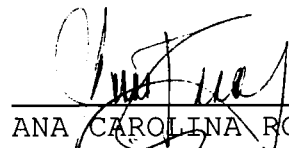
appellate level. Counsel acknowledges responsibility to advise the defendant of the right of appeal and to file a timely notice of appeal if requested to do so by the defendant.

Counsel hereby states that this is a permanent appearance and is in conformity with the requirements of the Local Rules of the U.S. District Court for the Southern District of Florida and the Special Rules Governing the Admission and Practice of Attorneys.


DATED: 8-05-02

The undersigned defendant hereby consents to the representation of the above counsel per the terms of representation stated in this Notice of Permanent Appearance as Counsel of Record.

Defendant: \_\_\_\_\_

  
ANA CAROLINA ROJAS

By: \_\_\_\_\_

  
OSCAR ARROYAVE, ESQ.  
2601 South Bayshore Drive  
Suite 1400  
Miami, Florida 33131  
Phone: (305) 858-2383  
Fax: (305) 858-3100  
Florida Bar No.: 0298859

Tania Hernandez

UNITED STATES MAGISTRATE JUDGE  
STEPHEN T. BROWN

14

*Criminal Minutes*

Calendar List

8/5/2002

Stbsched.OR6

STEPHEN T. BROWN  
UNITED STATES MAGISTRATE JUDGE

S	M	T	W	T	F
	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

S	M	T	W	T	F
		1	2	3	4
5	6	7	8	9	10
11	12	13	14	15	16
17	18	19	20	21	22
23	24	25	26	27	28
29	30	31			

S	M	T	W	T	F
			1	2	3
4	5	6	7	8	9
10	11	12	13	14	15
16	17	18	19	20	21
22	23	24	25	26	27
28	29	30			

tape no.  
020-59-650

Calendar

Start	End	Category	Description
5 11:30 AM	11:30 AM		USA v. Jania Hernandez 02-2982-STB Cont bond hrg (temp detention) (30 mins)

6:00 p.m. - 12:15 p.m.

Spanish inter  
regd

USA - Jack Blakey

Def - Ruben Garcia

Hrg held. Court set Bond @  
\$100K ASB NPDra.

Surf. notes ✓  
Arrest SID FL ✓  
Arrest PTS ✓  
Drug test treatment ✓  
Maintain employment ✓  
Avoid all contact with relatives/witnesses ✓  
No firearms ✓  
Curfew 9p-6a ✓  
12hr 12hr ✓  
Dist. of residence in NY ✓  
30 days ✓  
for time ✓  
PTB ✓  
whether ✓

13  
Sh

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-298

UNITED STATES OF AMERICA,

v.

NOTICE OF PERMANENT  
APPEARANCE AS COUNSEL  
OF RECORD

ANA Carolina Rojas

COMES NOW RONARD J. MANTO, and files this appearance as counsel for the above named defendant(s). Counsel agrees to represent the defendant(s) for all proceedings arising out of the transaction with which the defendant(s) is/are presently charged in the United States District Court in and for the Southern District of Florida.

Counsel hereby states that this appearance is unconditional and in conformity with the requirements of Local General Rule 16 and the Special Rules Governing the Admission and Practice of Attorneys.

Counsel acknowledges responsibility to advise the defendant(s) of the right of appeal, to file a timely notice of appeal if requested to do so by the defendant(s), and to pursue that appeal unless relieved by Court Order.

**FEE DISPUTES BETWEEN COUNSEL AND CLIENT SHALL NOT BE A BASIS FOR WITHDRAWAL FROM THIS REPRESENTATION.**

DATED: 8/1/02

Attorney RONARD J. MANTO

Address 2937 SW 27 AVE #107

City MIA

State FL

Zip Code 33133

Telephone (305) 445-2985

The undersigned defendant(s) hereby consent(s) to the representation of the above counsel.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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na



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 02-2982-BROWN

UNITED STATES OF AMERICA,

v.

ORDER ON BOND MOTION

FELIX BAUTISTA

This Cause came before the Court upon motion (defendant) (government) to (reduce) (increase) (modify) the bond. Upon consideration, it is

**ORDERED AND ADJUDGED** as follows:

\_\_\_\_\_ The motion is **denied**; bond remains at \_\_\_\_\_

\_\_\_\_\_ The motion is **granted**; bond is set at:

\_\_\_\_\_ Personal Surety, unsecured, in the amount of

✓ Personal Surety in the amount of \$ 100k / Nebbia  
with 10% posted with Clerk of Court.

\_\_\_\_\_ Personal Surety in the amount of \$ \_\_\_\_\_  
secured by the following collateral: \_\_\_\_\_

\_\_\_\_\_ Full Cash in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ Corporate Surety in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ Full Cash or Corporate Surety in the amount of \$ \_\_\_\_\_

In addition to the standard conditions of bond, the following special conditions are hereby imposed:

- ✓ SURRENDER ALL PASSPORTS & TRAVEL DOCUMENTS TO PRETRIAL SERVICES.
- ✓ REPORT TO PRETRIAL SERVICES AS FOLLOWS: AS DIRECTED, WEEKLY IN PERSON; WEEKLY BY PHONE.
- ✓ TRAVEL RESTRICTED TO THE SOUTHERN DISTRICT OF FLORIDA f Dist of residence in New Jersey - travel permitted for court
- \_\_\_\_\_ MAINTAIN CURRENT RESIDENCE.
- \_\_\_\_\_ SUBMIT TO RANDOM URINE TESTING BY PRETRIAL SERVICES FOR THE USE OF NON-PHYSICIAN-PRESCRIBED SUBSTANCES PROHIBITED BY LAW.
- \_\_\_\_\_ MAINTAIN OR ACTIVELY SEEK FULL-TIME EMPLOYMENT.
- \_\_\_\_\_ MAINTAIN OR BEGIN AN EDUCATIONAL PROGRAM.
- \_\_\_\_\_ AVOID ALL CONTACT WITH VICTIMS OF OR WITNESSES TO THE CRIMES CHARGED
- \_\_\_\_\_ REFRAIN FROM POSSESSING A FIREARM, DESTRUCTIVE DEVICE OR OTHER DANGEROUS WEAPON.
- ✓ COMPLY WITH THE FOLLOWING ADDITIONAL SPECIAL CONDITIONS OF THIS BOND: Curfew 9p-6a; may be modified by PTS for work, co-signed by 2 brothers in court & mother

is changed from that set in another District, the reason pursuant to Rule 40(f) is: \_\_\_\_\_

**DONE AND ORDERED** at Miami, Florida this 15<sup>th</sup> day AUGUST 2002.

TAPE NO.02D- 55-381057-730


c:AUSA, Defense,  
Pretrial Services, Marshal

STEPHEN BROWN  
UNITED STATES MAGISTRATE JUDGE

10  
md

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 02-2982-BROWN

FILED BY   
02 JUL 31 PM 3:51  
CLARENCE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA - MIA D.C.

UNITED STATES OF AMERICA,

Plaintiff,

v.

FELIX BAUTISTA,

Defendant.

\_\_\_\_\_ /

**DEFENDANT'S INVOCATION OF  
RIGHTS TO SILENCE AND COUNSEL**

The defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the U.S. Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

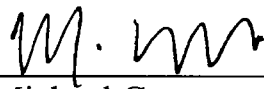
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nd



The defendant requests that the U.S. Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters relating to the defendant. Any contact with the defendant must be made through the defendant's lawyer, undersigned counsel.

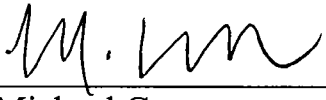
Respectfully submitted,

KATHLEEN WILLIAMS  
FEDERAL PUBLIC DEFENDER

By:   
\_\_\_\_\_  
Michael Caruso  
Assistant Federal Public Defender  
Florida Bar No. 0051993  
150 W. Flagler Street, Suite 1700  
Miami, Florida 33130-1556  
Tel: (305)530-7000  
Fax: (305)536-4559

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing instrument was mailed this 31st day of July, 2002, to Guy E. Lewis, Esq., United States Attorney, 99 NE 4th Street, Miami, Florida 33132.

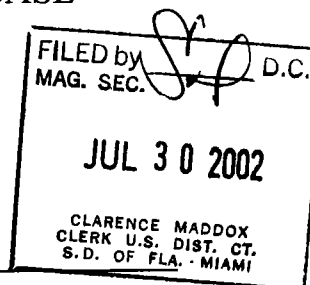
  
\_\_\_\_\_  
Michael Caruso

K:\CarusoM\Forms\Mag Clients\Bautista Silence Motion.wpd

CASE NUMBER 02-2982-STB

INTERPRETER REQUIRED IN CASE

FOREIGN LANGUAGE SPANISH



DEFENDANT(S) JANIA HERNANDEZ

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A large, stylized handwritten signature in the bottom right corner of the page.

h. Comply with the following curfew:

ANA CAROLINA ROJAS

- ☐ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.  
☐ j. Comply with the following additional special conditions of this bond:

\_\_\_\_\_  
This bond was set: At Arrest \_\_\_\_\_  
On Warrant \_\_\_\_\_  
After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_. If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

**DONE AND ORDERED** at Miami, Florida, this 30th day of JULY 2002.

  
\_\_\_\_\_  
**STEPHEN T. BROWN**  
**UNITED STATES MAGISTRATE JUDGE**

c: Assistant U.S. Attorney  
Defendant  
Counsel  
U.S. Marshal  
Pretrial Services/Probation

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 02-2982-STB

UNITED STATES OF AMERICA

Plaintiff,

**ORDER ON INITIAL APPEARANCE**

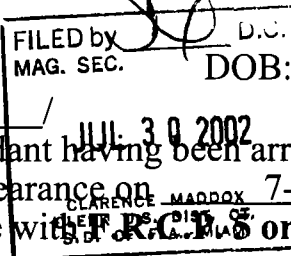
Language SPANISH

Tape No. 02D-54-540

AUSA Stephen Stallings

AGENT

JANIA HERNANDEZ  
Defendant.



DOB: 9-2-79

Prisoner # 68862-004

The above-named defendant having been arrested on 7-29-02 having appeared before the court for initial appearance on 7-30-02 and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon

**ORDERED** as follows:

1. \_\_\_\_\_ appeared as permanent/temporary counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
2. CJA - Reuben Baran appointed as permanent counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on \_\_\_\_\_, 2002.
4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 8/13, 2002.
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because of her INS status (uncertain) 11:30 a.m. 8/5 X  
A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 8/5, 2002.
6. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:  
Not recommended \$100K CSB Nebbia

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☐ a. Surrender all passports and travel document to the Pretrial Services Office.
- ☐ b. Report to Pretrial Services as follows: \_\_\_\_\_ times a week by phone, \_\_\_\_\_ time a week in person; other: \_\_\_\_\_
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☐ d. Maintain or actively seek full time gainful employment.
- ☐ e. Maintain or begin an educational program.
- ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- ☐ h. Comply with the following curfew: \_\_\_\_\_

\* try before Judge Brown non-duty

*[Handwritten signature]*

JANIA HERNANDEZ

- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.  
  j. Comply with the following additional special conditions of this bond:

\_\_\_\_\_  
This bond was set: At Arrest \_\_\_\_\_  
                            On Warrant \_\_\_\_\_  
                            After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

**DONE AND ORDERED** at Miami, Florida, this 30th day of JULY 2002.

  
\_\_\_\_\_  
**STEPHEN T. BROWN**  
**UNITED STATES MAGISTRATE JUDGE**

c: Assistant U.S. Attorney  
Defendant  
Counsel  
U.S. Marshal  
Pretrial Services/Probation

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 02-2982-STB

UNITED STATES OF AMERICA

Plaintiff,

**ORDER ON INITIAL APPEARANCE**

Language English

Tape No. 02D-54-540

AUSA: Stephen Stallings

AGENT

v.

FELIX BAUTISTA

Defendant.

FILED by  
MAG. SEC.

JUL 30 2002

DOB: 8-1-73

Prisoner # 68882-004

CLARENCE MADDIX  
CLERK U.S. DIST. CT.  
S.D. OF FL. MIAMI

The above-named defendant ~~having been arrested~~ on 7-29-02 having appeared before the court for initial appearance on 7-30-02 and proceedings having been held in accordance with **F.R.C.P. 5 or 40(a)**, it is thereupon

**ORDERED** as follows:

1. \_\_\_\_\_ appeared as permanent/temporary counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
2. APP - Michael Caruso appointed as permanent counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. ~~The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on~~ \_\_\_\_\_, 2002.
4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 8/13, 2002.
5. ~~The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because~~  
Bond  
A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 8/1, 2002.
6. ~~The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:~~  
\$100k CB Nelson (conditions to be set @ bond hmg)  
This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:
  - ☐ a. Surrender all passports and travel document to the Pretrial Services Office.
  - ☐ b. Report to Pretrial Services as follows: \_\_\_\_\_ times a week by phone, \_\_\_\_\_ time a week in person; other: \_\_\_\_\_
  - ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
  - ☐ d. Maintain or actively seek full time gainful employment.
  - ☐ e. Maintain or begin an educational program.
  - ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
  - ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
  - ☐ h. Comply with the following curfew: \_\_\_\_\_

*[Handwritten signature]*



FELIX BAUTISTA

- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.  
   j. Comply with the following additional special conditions of this bond:

\_\_\_\_\_  
This bond was set: At Arrest \_\_\_\_\_  
                          On Warrant \_\_\_\_\_  
                          After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

**DONE AND ORDERED** at Miami, Florida, this 30th day of JULY 2002.

  
\_\_\_\_\_  
**STEPHEN T. BROWN**  
**UNITED STATES MAGISTRATE JUDGE**

c: Assistant U.S. Attorney  
Defendant  
Counsel  
U.S. Marshal  
Pretrial Services/Probation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

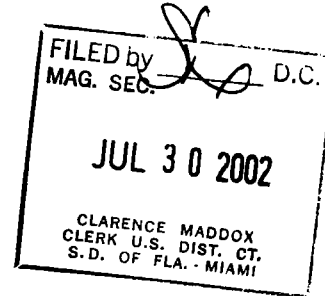
Case No. 02-2982-STB

UNITED STATES OF AMERICA

vs.

FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS

Defendant.



CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? ☐ Yes ☒ No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999? ☐ Yes ☒ No

Respectfully submitted,

GUY A. LEWIS  
UNITED STATES ATTORNEY

BY:

  
Stephen S. Stallings  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar Number 958859  
99 N. E. 4th Street  
Miami, Florida 33132-2111  
TEL (305) 961-9155  
FAX (305) 536-5566

# United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

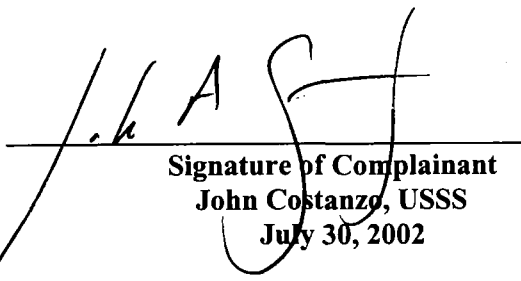
FELIX BAUTISTA,  
JANIA MARIA HERNANDEZ, and  
ANA CAROLINA ROJAS

CASE NUMBER: 02-2982 STB

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about July 26, 2002 through on or about July 29, 2002, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants did knowingly and intentionally conspire to possess with the intent to distribute a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and did attempt to possess with the intent to distribute a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

I further state that I am a Special Agent with the United States Secret Service and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

  
Signature of Complainant  
John Costanzo, USSS  
July 30, 2002

Sworn to before me, and subscribed in my presence,

July 30, 2002

Date

at Miami, Florida

City and State

STEPHEN T. BROWN  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, John A. Costanzo Jr., being duly sworn, depose and state as follow:

1. I am currently a Special Agent with the United States Secret Service and have been so employed for approximately four (4) years. For the past eight months, I have been assigned to the High Intensity Drug Trafficking Area (HIDTA) Task Force. In that capacity, I have participated in numerous narcotics investigations, debriefed or participated in debriefings of dozens of defendants, informants, and witnesses who had personal knowledge regarding major narcotics trafficking organizations, and have participated in all aspects of drug investigations. I have conducted investigations concerning the possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions and launder drug proceeds.
2. This affidavit is based upon the information obtained by my own investigations, as well as information provided by other law enforcement officers. This affidavit is submitted for the sole purpose of supplying probable cause for the arrest of Felix BAUTISTA (hereinafter, "BAUTISTA"), Jania Maria HERNANDEZ (hereinafter, "HERNANDEZ") and Ana Carolina ROJAS (hereinafter, "ROJAS") for attempted possession with intent to distribute cocaine and conspiracy to possess with the intent to distribute cocaine. As such, this affidavit does not contain all the facts known to me regarding this investigation.
3. On or about July 26, 2002, two DEA cooperating sources (hereinafter CS1 and CS2, who have both provided reliable information in the past leading to arrests and convictions of other defendants on narcotics related charges) placed several taped telephone calls to

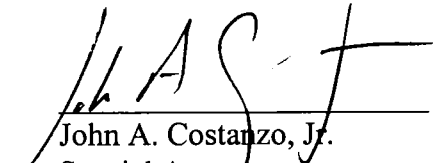
Felix BAUTISTA and Carolina ROJAS. On July 27, 2002, at approximately 12:30 p.m. DEA cooperating sources met with ROJAS and BAUTISTA at the Olive Garden restaurant located at 8201 W. Flagler, Miami, FL., 33144. ROJAS and BAUTISTA indicated they were interested in purchasing approximately ten kilograms of cocaine. ROJAS and BAUTISTA explained they only had access to approximately \$30,000.00 and further explained they had buyers in New York ready to purchase the kilograms, at which time, they would provide the remaining balance. Before the conclusion of the meeting BAUTISTA gave CS1 approximately \$15,000 in cash contained within a bank envelope. ROJAS then gave BAUTISTA approximately \$14,000 in cash, and BAUTISTA gave the \$14,000 to CS1. CS1 then provided the approximately \$29,000 in cash to DEA agents, who impounded and secured the cash. ROJAS and BAUTISTA agreed to bring an additional \$1,000.00 upon delivery of ten (10) kilograms of cocaine.

4. On July 29, 2002, at approximately 2:45 p.m. ROJAS, HERNANDEZ, and BAUTISTA arrived at a predetermined meet location (the Publix shopping center located at 10755 NW 58 ST, Miami, FL.). HERNANDEZ told CS2 that she would be driving the car (referring to the car which contained sham cocaine) and that she would drive at or under the speed limit because she would be "loaded." CS1 introduced BAUTISTA to Task Force Agent Louis Sastre, who was acting in an undercover capacity. BAUTISTA handed CS1 an additional \$800.00 in cash. TFA Sastre instructed BAUTISTA to enter the vehicle where the ten (10) kilograms of sham cocaine was concealed and showed BAUTISTA the sham cocaine. Subsequent to a predetermined arrest signal, DEA group 43 effected the arrests of ROJAS, BAUTISTA, and HERNANDEZ.


5. Members of law enforcement informed ROJAS, BAUTISTA, and HERNANDEZ of their

*Miranda* rights, which they then acknowledged and waived verbally. During her post arrest interview, HERNANDEZ stated that on July 28, 2002, she went to a New York area airport, purchased a one way ticket for travel that day at the counter, and flew to Ft. Lauderdale in order to drive a car for ROJAS from Miami to New York. HERNANDEZ also stated she had not met BAUTISTA prior to July 28, 2002, but that BAUTISTA paid for her hotel, meals, and some clothing after they met. She also indicated she was aware that one of the two vehicles to be driven to New York would have some sort of contraband concealed within.

6. During the post arrest interview of ROJAS, she stated that on July 27, 2002, at the Olive Garden restaurant, she engaged in a conversation with the CSs and BAUTISTA regarding a narcotics transaction. She also admitted that an unspecified amount of U.S. currency was exchanged.

  
\_\_\_\_\_  
John A. Costanzo, Jr.  
Special Agent  
United States Secret Service

Subscribed to and sworn before me this   30   day of July 30, 2002.

  
\_\_\_\_\_  
STEPHEN T. BROWN  
United States Magistrate Judge  
Southern District of Florida

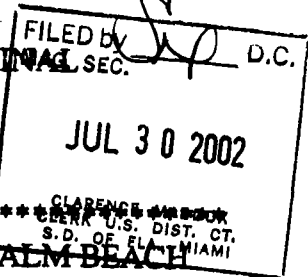
## SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA )  
Plaintiff )

CASE NUMBER: CR

12-2982-STB

-VS-

REPORT COMMENCING CRIMINAL  
ACTIONANA CAROLINA ROSAS )  
Defendant )

68863-004

TO: CLERK'S OFFICE MIAMI  
U.S. DISTRICT COURTFT. LAUDERDALE  
(circle one)

W. PALM BEACH

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES  
COURT ABOVE.\*\*\*\*\*  
COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE ENTER N/A.

(1) DATE AND TIME OF ARREST: 7/29/02 2:50 a.m./p.m.

(2) LANGUAGE(S) SPOKEN: English &amp; Spanish

(3) OFFENSE(S) CHARGED: Title 21 USC 846

Conspiracy to possess w/ intent to distribute cocaine

(4) UNITED STATES CITIZEN: ☒ YES ( ) NO ( ) UNKNOWN

(5) DATE OF BIRTH: 4/20/69

(6) TYPE OF CHARGING DOCUMENT: (CHECK ONE)  
[ ] INDICTMENT ☒ COMPLAINT CASE #  
[ ] BENCH WARRANT FOR FAILURE TO APPEAR  
[ ] PAROLE VIOLATION WARRANT

ORIGINATING DISTRICT:

COPY OF WARRANT LEFT WITH BOOKING OFFICER? [ ] YES [ ] NO

AMOUNT OF BOND:\$ WHO SET BOND?

(7) REMARKS:

(8) DATE: 7/29/02 (9) ARRESTING OFFICER

(10) AGENCY DEA (11) PHONE # 305/590-4870

(12) COMMENTS

3  
50

DATE: 09/29/02

MAGISTRATE: STB

AUSA: Darin Gayles

OFFENSE: conspiracy / PWID - Coke - 10 Kilo's

#1 DEFENDANT Carolina Rojas

CIRCUMSTANCES US Citizen

BOND RECOMMENDED: \$100,000 CS

BOND SET: OK

#2 DEFENDANT Feliz Bautista

CIRCUMSTANCES family in NY + NJ.  
resident alien -

BOND RECOMMENDED: \$100,000 CS

BOND SET: OK

DEFENDANT \_\_\_\_\_

CIRCUMSTANCES \_\_\_\_\_

BOND RECOMMENDED: \_\_\_\_\_

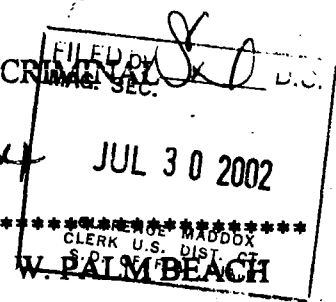
BOND SET: \_\_\_\_\_



## SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA )  
Plaintiff )CASE NUMBER: CR 02-2982-STB

-vs-

REPORT COMMENCING CRIMINAL  
ACTIONHERNANDEZ, JANIA  
Defendant68862-004 JUL 30 2002TO: CLERK'S OFFICE MIAMI  
U.S. DISTRICT COURTFT. LAUDERDALE  
(circle one)NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES  
COURT ABOVE.\*\*\*\*\*  
COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE ENTER N/A.(1) DATE AND TIME OF ARREST: 7/29/02 a.m./p.m.(2) LANGUAGE(S) SPOKEN: SPANISH(3) OFFENSE(S) CHARGED: TITLE 21 846 U.S.C.

(4) UNITED STATES CITIZEN: ( ) YES (✓) NO ( ) UNKNOWN

(5) DATE OF BIRTH: 9/2/79(6) TYPE OF CHARGING DOCUMENT: (CHECK ONE)  
[ ] INDICTMENT [✓] COMPLAINT CASE # 61-02-0328  
[ ] BENCH WARRANT FOR FAILURE TO APPEAR  
[ ] PAROLE VIOLATION WARRANT  
ORIGINATING DISTRICT: \_\_\_\_\_

COPY OF WARRANT LEFT WITH BOOKING OFFICER? [ ] YES [ ] NO

AMOUNT OF BOND:\$ \_\_\_\_\_ WHO SET BOND? \_\_\_\_\_

(7) REMARKS: \_\_\_\_\_

(8) DATE: 7/27/02 (9) ARRESTING OFFICER JOAN COSTANZO(10) AGENCY DEA (11) PHONE # 3 786-269-3236

(12) COMMENTS \_\_\_\_\_

2  
DATE:

7/29/02

MAGISTRATE:

SJB

AUSA:

Darin Gayles

OFFENSE:

~~overstay~~ alien Chispiacy/PWID

#3

DEFENDANT

Jania Maria Hernandez

CIRCUMSTANCES

no ties - overstay alien -

BOND RECOMMENDED:

PTD

BOND SET:

OK

DEFENDANT

CIRCUMSTANCES

BOND RECOMMENDED:

BOND SET:

DEFENDANT

CIRCUMSTANCES

BOND RECOMMENDED:

BOND SET:

## SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA )  
Plaintiff )CASE NUMBER: CR 02-2982-STB

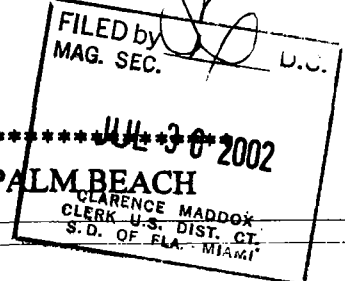
-vs- )

REPORT COMMENCING CRIMINAL  
ACTIONFELIX BAUTISTA )08882-004

Defendant )

TO: CLERK'S OFFICE MIAMI  
U.S. DISTRICT COURTFT. LAUDERDALE  
(circle one)

W. PALM BEACH

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES  
COURT ABOVE.

\*\*\*\*\*

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE ENTER N/A.

- (1) DATE AND TIME OF ARREST: 7/29/02 330 a.m./p.m. (p.m.)
- (2) LANGUAGE(S) SPOKEN: ENGLISH / SPANISH
- (3) OFFENSE(S) CHARGED: 21-846

(4) UNITED STATES CITIZEN: ( ) YES ( ☒ ) NO ( ) UNKNOWN(5) DATE OF BIRTH: 8/1/73

(6) TYPE OF CHARGING DOCUMENT: (CHECK ONE)

[ ] INDICTMENT [ ] COMPLAINT CASE # \_\_\_\_\_

[ ] BENCH WARRANT FOR FAILURE TO APPEAR

[ ] PAROLE VIOLATION WARRANT

ORIGINATING DISTRICT: \_\_\_\_\_

COPY OF WARRANT LEFT WITH BOOKING OFFICER? [ ] YES [ ] NO

AMOUNT OF BOND: \$ \_\_\_\_\_ WHO SET BOND? \_\_\_\_\_

(7) REMARKS: \_\_\_\_\_

(8) DATE: 7/29/02 (9) ARRESTING OFFICER: JOHN COSTANZO(10) AGENCY: DEA (11) PHONE #: 786-269-3236

(12) COMMENTS: \_\_\_\_\_